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July 18, 1997

Docket Section
Department of Transportation
400 Seventh Street, S.W.
Room PL401
Washington, D.C. 20590

24935
QA

DEPT. OF TRANSPORTATION
DOCKET SECTION
97 JUL 18 PM 2:33

RE: Supplemental Affidavit of Amy E. Ralph;
Affidavit of Michael N. Sohn
in Docket OST-96-1434 - 26

Dear Sir or Madam:

Please be advised that the above-referenced affidavits, presumably filed pursuant to Notice Granting Access to Documents dated July 11, 1997 ("Notice") in Docket OST-96-1434, appear to be defective. United Air Lines, Inc. and Air Canada hereby object to acceptance of such affidavits.

The Notice requires that the affidavits "state, at a minimum, that [] the affiant is counsel for an interested party...." Both Ms. Ralph's and Mr. Sohn's affidavits fail to state that they represent an interested party or to identify the party they represent. Instead, the affidavits state that Ms. Ralph and Mr. Sohn represent "a prospective party interested in this case." Only "interested parties" may file valid affidavits, however; "prospective parties" are not entitled to access to the confidential documents.

United and Air Canada also note that since the "prospective party" has not participated in this proceeding or even, apparently, decided whether to do so, neither Ms. Ralph nor Mr. Sohn would be able to discuss the documents with their client, in any event. They do not, in these circumstances, have any basis for seeking access to the documents. Such access is granted to counsel so that confidential documents may be addressed in pleadings filed with the Department, not to allow counsel to discuss those documents with clients to enable them to decide whether or not to participate.

Because their affidavits do not meet the minimum requirements set forth in the Notice, United and Air Canada object to any access to the confidential documents being granted

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to Ms. Ralph and Mr. Sohn on the basis of their defective (and therefore invalid) affidavits, pursuant to the Notice.

Sincerely,

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Joel Stephen Burton
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UNITED AIR LINES, INC.

Anita M. Mosner / lab
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Counsel for
AIR CANADA

cc: Parties on the Attached Service List

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